

2005 DRAFTING REQUEST

Bill

Received: **01/25/2006**

Received By: **agary**

Wanted: **Soon**

Identical to LRB:

For: **Jerry Petrowski (608) 266-1182**

By/Representing: **Jason Bauknecht (aide)**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**

Extra Copies: **PJH**

Submit via email: **YES**

Requester's email: **Rep.Petrowski@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Single trip permit for vehicles transporting buildings

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	agary 01/25/2006	lkunkel 01/26/2006	jfrantze 01/26/2006	_____	sbasford 01/26/2006		S&L
/1	agary 01/26/2006	lkunkel 01/26/2006	chaugen 01/26/2006	_____	lemery 01/26/2006	lemery 01/26/2006	S&L

FE Sent For:

<END>

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Topic:

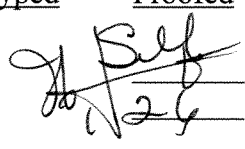
Single trip permit for vehicles transporting buildings ✓

Instructions:

See Attached

Drafting History:

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/P1	agary	/pllmk1/26					
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FE Sent For:

<END>

1/25/06

He from Jason - Rep. Petrowski

- length of mobile home & transporters

- send over

- do a P-draft

- language from BOT

Gary, Aaron

From: Bauknecht, Jason
Sent: Wednesday, January 25, 2006 11:51 AM
To: Gary, Aaron
Subject: RE: Bill Draft Proposal

Aaron, thank you for your insight, it is quite helpful. If you could create a new subsection that would work out best.

From: Gary, Aaron
Sent: Wednesday, January 25, 2006 11:32 AM
To: Bauknecht, Jason
Subject: RE: Bill Draft Proposal

Jason,

As often happens, the "simple" is not as simple as it appears. This statutory section only applies to "mobile homes", which is a defined term and is basically a trailer RV. See s. 340.01 (29). This provision under the current statute is wholly unrelated to transporting a building. To the extent DOT's rules commingle the two, I don't believe there is statutory authority provided under s. 348.26 (4) for a permit to transport a building, as s. 348.26 (4) is clear in its scope. Second, in terms of length, I don't understand why any statutory treatment is necessary - did DOT advise on what basis it believes it cannot issue a permit for a length up to 110 feet for the movement of an oversize mobile home under current law?

I could create a new subsection similar to s. 348.26 (4) but covering transportation of these buildings, and including the specified lengths, if you like.

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Bauknecht, Jason
Sent: Wednesday, January 25, 2006 11:12 AM
To: Gary, Aaron
Subject: Bill Draft Proposal
Importance: High

Aaron, this is the language that I received from DOT. Our intent is to increase the maximum length in order to provide more safety while transporting heavier homes. Technology has improved over the years also resulting in longer tractors. We are not proposing to increase trailer lengths just overall lengths to allow for the more powerful tractors.

To make the change in statute, the following must be done: Amend S.348.26(4) to add a sentence "Vehicle combinations permitted under this paragraph may be not more than 110' overall length. The mobile home, manufactured home, or manufactured building (modular home) that is transported may be not more than 80' in length."

If you need anything more from me please call. We are hoping to get this drafted rather quickly as we have it scheduled for a public hearing on Feb. 1st.

Thanks again.

Jason

IMK

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

GenCat

- 1 AN ACT ...; relating to: single trip permits for overweight vehicles transporting
2 certain buildings on the highways. ✓

Analysis by the Legislative Reference Bureau

Current law imposes size, weight, and load limits on vehicles that travel on the highways. ✓ The Department of Transportation (DOT) and local highway officials may issue certain permits authorizing the permittee to operate a vehicle that exceeds these limits on vehicle size, weight, or load. ✓ With certain exceptions, no person may operate on a highway any single vehicle with an overall length in excess of 40 feet or any combination of two vehicles with an overall length in excess of 65 feet, unless the person obtains an appropriate permit to exceed these lengths. ✓

Under current law, with the exception noted below, DOT may issue single trip permits authorizing the operation of vehicles exceeding statutory length limits on state trunk highways, and local highway officials may issue single trip permits authorizing the operation of vehicles exceeding statutory length limits on local highways under their jurisdiction and on state trunk highways within the county or municipality which they represent. ✓ However, only DOT may issue a single trip permit for the movement of an oversize mobile home, regardless of the highways to be used. (A "mobile home" is defined as a vehicle, with walls of rigid uncollapsible construction, designed to be towed as a single unit or in sections upon a highway and equipped and used, or intended to be used, primarily for human habitation.) Every single trip permit must designate the route to be used by the permittee. *

Under this bill, DOT may issue single trip permits for the movement of manufactured homes, manufactured buildings, or modular housing units,

regardless of the highways to be used, but local highway officials may not issue these permits. ✓ These permits may not be issued for operation of a vehicle combination exceeding 110 feet in overall length or for movement of a manufactured home, manufactured building, or modular housing unit exceeding 80 feet in length. ✓ For purposes of the bill, a “manufactured home” is defined as a structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal government as complying with certain standards (and does not include a mobile home manufactured before 1976). A “manufactured building” is defined as a structure or component of a structure that is intended for use as a dwelling and is of a construction meeting specified criteria. “Modular housing unit” is not defined by statute. ✓

✓ For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

✓
1 **SECTION 1.** 348.26 (2) of the statutes is amended to read:

2 348.26 (2) PERMITS FOR OVERSIZE OR OVERWEIGHT VEHICLES OR LOADS. Except as
3 provided in ~~sub.~~ subs. (4) and (4m), ✓ single trip permits for oversize or overweight
4 vehicles or loads may be issued by the department for use of the state trunk highways
5 and by the officer in charge of maintenance of the highway to be used in the case of
6 other highways. Such local officials also may issue such single trip permits for use
7 of state trunk highways within the county or municipality which they represent.
8 Every single trip permit shall designate the route to be used by the permittee.
9 Whenever the officer or agency issuing such permit deems it necessary to have a
10 traffic officer escort the vehicle through the municipality or county, a reasonable fee
11 for such traffic officer’s services shall be paid by the permittee. All moneys received
12 from fees imposed by the department under this subsection shall be deposited in the
13 general fund and credited to the appropriation account under s. 20.395 (5) (dg).

14 **SECTION 2.** 348.26 ✓ (4m) of the statutes is created to read:

348.26 (4m) PERMITS FOR MOVEMENT OF CERTAIN BUILDINGS. Single trip permits for the movement of manufactured homes as defined in s. 101.91 (2) (am), manufactured buildings as defined in s. 101.71 (6), or modular housing units may be issued only by the department, regardless of the highways to be used. Every such permit shall designate the route to be used by the permittee. No permit may be issued under this subsection for operation of a vehicle combination exceeding 110 feet in overall length or for movement of a manufactured home, manufactured building, or modular housing unit exceeding 80 feet in length.

SECTION 3. Initial applicability.

(1) This act first applies to single trip permits issued on the effective date of this subsection. ✓

SECTION 4. Effective date.

(1) This act takes effect on the first day of the 3rd month beginning after publication. ✓

(END)

D. Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4478/P1dn

ARG:.....

lmk

(date)

✓
ATTN: Jason Bauknecht

Please review the attached draft carefully to ensure that it is consistent with your intent. ✓

I note that AB-898 also creates a single trip permit for transporting buildings, but the provision in AB-898 specifically excludes these manufactured homes, manufactured buildings, and modular housing units. ✓

To avoid confusion, the definition of manufactured home in the attached draft does not include a "mobile home." (I note that "mobile home" is not defined in the same way in ch. 340 as it is in ch. 101.) ✓

As discussed by e-mail, I believe that DOT's ✓ current authority to issue single trip permits for transporting these manufactured homes and manufactured buildings lies under s. 348.26 (2), ✓ not s. 348.26 (4). ✓ Because DOT does have current authority and there may be existing permits circulating, I have included an initial applicability provision specifying that created s. 348.26 (4m) ✓ applies only to newly issued permits. I have also included a delayed effective date of approximately two months. ✓

If there is a redraft of this bill, can we eliminate the term "modular housing units"? ★
It is used only once twice in the statutes, in s. 341.25 (1) (gm), ✓ and is not defined. I assume these would be included within the definition of manufactured home or manufactured building, but am not certain. ✓

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft. ✓

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4478/P1dn
ARG:lmk:jf

January 26, 2006

ATTN: Jason Bauknecht

Please review the attached draft carefully to ensure that it is consistent with your intent.

I note that AB-898 also creates a single trip permit for transporting buildings, but the provision in AB-898 specifically excludes these manufactured homes, manufactured buildings, and modular housing units.

To avoid confusion, the definition of manufactured home in the attached draft does not include a "mobile home." (I note that "mobile home" is not defined in the same way in ch. 340 as it is in ch. 101.)

As discussed by e-mail, I believe that DOT's current authority to issue single trip permits for transporting these manufactured homes and manufactured buildings lies under s. 348.26 (2), not s. 348.26 (4). Because DOT does have current authority and there may be existing permits circulating, I have included an initial applicability provision specifying that created s. 348.26 (4m) applies only to newly issued permits. I have also included a delayed effective date of approximately two months.

If there is a redraft of this bill, can we eliminate the term "modular housing units?" It is used only once twice in the statutes, in s. 341.25 (1) (gm), and is not defined. I assume these would be included within the definition of manufactured home or manufactured building, but am not certain.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

1/20/04

McC w/ Jason

- def. of mfg. have excluded mobile home ok
- take out modular housing unit
- try to cut down the analysis if possible



State of Wisconsin
2005 - 2006 LEGISLATURE

TODAY

LRB-4478/1

ARG:lmk(jf)

in 1/26

RMV

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Reisen

✓

- 1 AN ACT *to amend* 348.26 (2); and *to create* 348.26 (4m) of the statutes; **relating**
- 2 **to:** single trip permits for overweight vehicles transporting certain buildings on
- 3 the highways.

Analysis by the Legislative Reference Bureau

Current law imposes size, weight, and load limits on vehicles that travel on the highways. The Department of Transportation (DOT) and local highway officials may issue certain permits authorizing the permittee to operate a vehicle that exceeds these limits on vehicle size, weight, or load. With certain exceptions, no person may operate on a highway any single vehicle with an overall length in excess of 40 feet or any combination of two vehicles with an overall length in excess of 65 feet, unless the person obtains an appropriate permit to exceed these lengths.

7 (no A) Under current law, with the exception noted below, DOT may issue single trip permits authorizing the operation of vehicles exceeding statutory length limits on state trunk highways, and local highway officials may issue single trip permits authorizing the operation of vehicles exceeding statutory length limits on local highways under their jurisdiction and on state trunk highways within the county or municipality which they represent. However, only DOT may issue a single trip permit for the movement of an oversize mobile home, regardless of the highways to be used. A "mobile home" is defined as a vehicle, with walls of rigid uncollapsible construction, designed to be towed as a single unit or in sections upon a highway and equipped and used, or intended to be used, primarily for human habitation. Every single trip permit must designate the route to be used by the permittee.

7 Under this bill, DOT may issue single trip permits for the movement of manufactured homes, or manufactured buildings, or modular housing units.

keep

regardless of the highways to be used, but local highway officials may not issue these permits. These permits may not be issued for operation of a vehicle combination exceeding 110 feet in overall length or for movement of a manufactured home, manufactured building, or modular housing unit exceeding 80 feet in length. For purposes of the bill, a "manufactured home" is defined as a structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal government as complying with certain standards (and does not include a mobile home manufactured before 1976). A "manufactured building" is defined as a structure or component of a structure that is intended for use as a dwelling and is of a construction meeting specified criteria. "Modular housing unit" is not defined by statute.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 348.26 (2) of the statutes is amended to read:

2 348.26 (2) PERMITS FOR OVERSIZE OR OVERWEIGHT VEHICLES OR LOADS. Except as
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4 vehicles or loads may be issued by the department for use of the state trunk highways
5 and by the officer in charge of maintenance of the highway to be used in the case of
6 other highways. Such local officials also may issue such single trip permits for use
7 of state trunk highways within the county or municipality which they represent.
8 Every single trip permit shall designate the route to be used by the permittee.
9 Whenever the officer or agency issuing such permit deems it necessary to have a
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11 for such traffic officer's services shall be paid by the permittee. All moneys received
12 from fees imposed by the department under this subsection shall be deposited in the
13 general fund and credited to the appropriation account under s. 20.395 (5) (dg).

14 **SECTION 2.** 348.26 (4m) of the statutes is created to read:

348.26 (4m) PERMITS FOR MOVEMENT OF CERTAIN BUILDINGS. Single trip permits for the movement of manufactured homes as defined in s. 101.91 (2) (am) ^{or} manufactured buildings as defined in s. 101.71 (6) ~~or modular housing units~~ may be issued only by the department, regardless of the highways to be used. Every such permit shall designate the route to be used by the permittee. No permit may be issued under this subsection for operation of a vehicle combination exceeding 110 feet in overall length ^{g or} or for movement of a manufactured home ^{or} manufactured building ^{or} ~~or modular housing unit~~ exceeding 80 feet in length.

SECTION 3. Initial applicability.

(1) This act first applies to single trip permits issued on the effective date of this subsection.

SECTION 4. Effective date.

(1) This act takes effect on the first day of the 3rd month beginning after publication.

(END)

Emery, Lynn

From: Bauknecht, Jason
Sent: Thursday, January 26, 2006 3:56 PM
To: LRB.Legal
Subject: Draft Review: LRB 05-4478/1 Topic: Single trip permit for vehicles transporting buildings

NOTE Could you please rush this draft?

Please Jacket LRB 05-4478/1 for the ASSEMBLY.